

# Notice of Allowability

Application No.

09/921,458

Examiner

Ashok B. Patel

Applicant(s)

HONG ET AL.

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2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/02/2006.
2. ☒ The allowed claim(s) is/are 40-88.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 09/13/06, 3/23/06, 12/05/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 12/04/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 40-88 are allowed. Claims 1-39 are cancelled.

***Terminal Disclaimer***

2. The terminal disclaimer filed on 12/04/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No.09/921, 832 has been reviewed and is accepted. The terminal disclaimer has been recorded.

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas Swartz on 12/01/2006.

4. The application has been amended as follows:

**A. In the Claims:**

1. Claim 54. (Currently Amended) In an arrangement comprising a plurality of information servers connected to a communications network, each of the information servers having a common address on the communication network, serving a set of information to clients, and being configured to receive a transaction request associated with an individual transaction and to provide a

**Double Patenting**

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 40-88 and are rejected on the ground of nonstatutory double patenting over claims 38-52, 53-67, 68, and 69-75 of Application no. 09/921, 832 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Application no. 09/921, 832	Instant Application
Claims 38-52, 53-67, 68, and 69-75	Respectively Claims 40-68, 75-87, 88, and 69-74.

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response to each transaction request, a method for serving transaction requests from clients comprising:

providing a content director connecting the information servers to the communications network and comprising at least one flow switch selecting an appropriate information server to service each transaction request and thereafter forward at least portions of the transaction request to a selected one of the information servers;

maintaining a hot locator table in a cache store of the content director, identifying information frequently requested from the information servers, the hot locator table including, for each locator identifying corresponding information, a hit counter indicating a number of direct transaction requests, received by the plurality of information servers over a determined time interval, requesting the corresponding information;

generating by a digest generator, when the hit counter for a selected locator indicates at least a threshold transaction request receipt frequency but not when the hit counter fails to indicate at least a threshold receipt frequency, a digest value pointing to the location in the hot table where the entry corresponding to the selected locator is stored; and

accessing a digest store comprising the digest values to select an information server to service a transaction request for frequently requested information.

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2. Claim 55. (Currently Amended) The method of claim 54, ~~wherein all of the information servers have a common address on the communications network and serve a set of information to clients and~~ further comprising:

a cryptographic module decrypting a cipher text transaction request to provide a plain text transaction request to a first flow switch;

the first flow switch parsing the plain text transaction request to locate one or more selected fields;

the first flow switch, based on the one or more selected fields, selecting an appropriate information server to service the transaction request; and

the first flow switch thereafter forwarding at least portions of the plain text transaction request to a selected one of the information servers, wherein the cipher text transaction request is decrypted prior to the parsing and selecting steps and wherein, prior to the decrypting step, the cipher text transaction request has not been directed to a flow switch other than the first flow switch.

3. Claim 75. (Currently Amended) In an arrangement comprising a plurality of information servers connected to a communications network, the information servers having a common address on the communication network and serving a set of information to clients, each of the information servers being configured to receive a transaction request associated with an individual transaction and to provide a response to each transaction request, a method for serving transaction requests from clients comprising:

providing a flow switch in a content director for parsing plain text transaction requests to locate selected fields, select an appropriate information server to service each transaction request, and forward at least portions of the parsed transaction request to a selected one of the information servers;

maintaining a hot locator table in a cache store at the content director, identifying information frequently requested from the information servers, the hot locator table including, for each locator identifying corresponding information, a hit counter indicating a number of direct transaction requests, received by the plurality of servers over a determined time interval, requesting the corresponding information;

generating, when the hit counter for a selected locator indicates at least a threshold receipt frequency but not when the hit counter fails to indicate at least a threshold receipt frequency, a digest value pointing to a location in the hot locator table where the corresponding entry is stored;

when the hit counter for an a locator indicates at least a threshold transaction request receipt frequency, locating the information associated with the locator at a cache information server and thereafter directing a transaction request for information associated with the locator to a cache information server; and

when the hit counter for a locator falls below a threshold transaction request receipt frequency, directing a transaction request for information associated with the locator to an origin information server.

4. Claim 76. (Currently Amended) The method of claim 75, ~~wherein all of the information servers have a common address on the communications network and serve a set of information to clients and~~ further comprising:

a cryptographic module decrypting a cipher text transaction request to provide a plain text transaction request to a first flow switch;

the first flow switch parsing the plain text transaction request to locate one or more selected fields;

the first flow switch, based on the one or more selected fields, selecting an appropriate information server to service the transaction request; and

the first flow switch thereafter forwarding at least portions of the plain text transaction request to a selected one of the information servers, wherein the cipher text transaction request is decrypted prior to the parsing and selecting steps and wherein, prior to the decrypting step, the cipher text transaction request has not been directed to a flow switch other than the first flow switch.

5. Claim 78. (Currently Amended) The method of claim 76, further comprising:

~~generating, when the hit counter for a locator indicates at least a threshold transaction request receipt frequency, a digest value pointing to the location in the hot locator table where the corresponding entry is stored; and~~

accessing tile hot locator table to select an information server to service a transaction request for frequently requested information.

B. In the specification:



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Please replace the paragraph beginning on page 1, lines 6-12, with the following amended paragraph:

The present application claims the benefits under 35 U.S.C. § 119(e) of U.S. Provisional Application Serial No. 60/223,087, of the same title, filed August 4, 2000, to Chu, Jaswa, and Chaganty, which is incorporated herein by reference in its entirety. The present application is related to U.S. Patent Application No. 09/921,460, now U.S. Patent No. 7, 062, 570, entitled "High Performance Server Farm With Tagging and Pipelining" and U.S. Patent Application No. 09/921,832 "Non-Intrusive Multiplexed Transaction Persistency in Secure Commerce Environments", both of which are filed concurrently herewith and have the same named inventors as the present application.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan A. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABP